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*Attorneys for Respondents BYD Company
Limited and BYD Precision Manufacturing Co., Ltd.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

APPLE INC.,

Petitioner,

vs.

BYD PRECISION MANUFACTURING CO.,
LTD. AND BYD COMPANY LIMITED,

Respondents.

Case No. 3:15-cv-04985-RS

**STIPULATED AND ~~[PROPOSED]~~
ORDER OF DISMISSAL WITHOUT
PREJUDICE**

Hon. Richard Seeborg
Courtroom: 3, 17th Floor

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Petitioner Apple Inc. (“Apple”) and Respondents BYD Precision Manufacturing Co., Ltd. and BYD Company Limited (“Respondents”) hereby submit the following Stipulation for Dismissal Without Prejudice.

WHEREAS Apple and Respondents executed a Settlement Agreement on or about December 20, 2016;

WHEREAS Apple and BYD Company Limited are contemporaneously filing with the United States Court of Appeals for the Ninth Circuit a Stipulated Motion to Voluntarily Dismiss BYD Company Limited’s appeal from this Court’s March 2, 2016 Order;

NOW, THEREFORE, It is hereby agreed by the parties and ordered by the Court that:

1. The above matter is dismissed without prejudice as to Apple’s claims and with prejudice as to Respondents’ defenses; and

2. Each side shall bear its own costs and fees.

IT IS SO ORDERED.

Dated: 12/28/16


RICHARD SEEBORG
United States District Judge

Dated: December 27, 2016

SIMPSON THACHER & BARTLETT LLP

By: /s/ Harrison J. Frahn IV
Harrison J. Frahn IV

Attorneys for Petitioner Apple Inc.

PAUL HASTINGS LLP

By: /s/ Yar R. Chaikovsky
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Attorneys for Respondents BYD Company Limited and BYD Precision Manufacturing Co., Ltd.

1 Pursuant to Civil Local Rule 5-1(i), the filer attests that concurrence in the filing of this
2 document has been obtained from the signatories above.

3 /s/ Harrison J. Frahn IV
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